

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1713C

PROPOSAL: To amend the Community Unit Plan by reducing the size, eliminating 326 multiple family units and adding 10 single family units.

LOCATION: S. 56th St. and Pine Lake Rd.

WAIVER REQUEST:

Eliminate the preliminary plat process.

Tangent length at the intersection of Norris Lane and Allen Road.

LAND AREA: 24.94 acres, more or less

CONCLUSION: With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:

Conditional Approval

Eliminate the preliminary plat process

Approval

Tangent length at the intersection of Norris Lane and Allen Road.

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: R-3 and R-4 Residential

EXISTING LAND USE: single family units and undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Single -family and attached two-family residential
South:	R-3 Residential	Single -family and attached two-family residential
East:	O-3 Office Park	U.S. Post office
	R-4 Residential	Undeveloped
	B-2 Planned Neighborhood Business	Undeveloped

West: R-3 Residential

Single -family and attached two-family residential

ASSOCIATED APPLICATIONS:

Change of Zone #04035

Use Permit #04001

Special Permit #04026

Street & Alley Vacation #04005

HISTORY:

- Dec 10, 2003** Change of Zone #3429, Special Permit #1713B and Use Permit #155 were recommended for approval to City Council at Planning Commission. These projects are on pending at City Council.
- July 8, 2002** Use Permit 141, Thompson Creek, located southeast of S. 56th St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.
- April 17, 2000** Special Permit 1713A, Aspen 3rd Addition CUP to adjust the front yard setback was approved by City Council.
- June 22, 1998** Use Permit 112 to construct a 30,000 s.f. office building at northwest corner of S. 56th St. & Pine Lake Rd. was approved by City Council.
- March 2, 1998** Special Permit 1713, Aspen 3rd Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3rd Addition was approved by City Council.
- June 16, 1997** Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2nd Addition for 7 commercial lots and two outlots was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population." (F-18)

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

UTILITIES: Utilities are available to serve this development.

TRAFFIC ANALYSIS:

Pine Lake Rd. is classified as a minor arterial.

S. 56th St. is classified as a principal arterial.

Pine Lake Rd. from S. 40th St. to Nebraska Hwy 2 is identified in the 2025 Comprehensive Plan as a committed projects for 4 lanes + turn lanes. S. 56th St. from Pine Lake Rd. to Yankee Hill Rd. is identified in the 2025 Comprehensive Plan as a proposed project for 4 lanes + turn lanes.

PUBLIC SERVICE: The nearest fire station is located at S. 48th St. & Claire St.
The nearest elementary school is Cavett Elementary located at 7701 S. 36th St.

ANALYSIS:

1. This application request is to amend the special permit by reducing the size from 31.68 acres to 24.94 acres, eliminating 326 multiple family units and adding 10 single family units.
2. This proposed development generally is in conformance with the 2025 Comprehensive Plan. However it departs from the Plan by eliminating the potential for apartments to be part of the mix of housing in this area. Amendments have been approved in the past two years or are pending that would eliminate sites for over 2000 apartment units. It is understandable that developers do not want to hold on to land for this purpose when there is little demand. However, it will have a cumulative effect on our goals for density and housing mix in the city.

3. This application is in association with Change of Zone #04035, Use Permit #04001, Special Permit #04026 and Street Vacation #04005.
4. The purpose in reducing the size of the community unit plan is to allow for medical/office buildings and a club/fitness center southwest of Pine Lake Rd. and Stephanie Lane.
5. Lots 26-29, Block 4 do not have abutting sanitary sewer. An existing sanitary sewer main is in Outlot "A" immediately west of these lots. To extend sanitary sewer service to Lots 26-29, Block 4 permission must be obtained from the homeowners association, the owner of the common open space. Non-abutting agreements must be filed at Register of Deeds with the final plat.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 the correct legal description.

1.1.2 the purpose of Outlot D

1.1.3 utility easements as requested by the LES report of May 7, 2004

1.1.4 add "and use Permit" at the end of note 1 & 2.

1.1.5 revisions per Public Works & Utilities Department memo of 5/13/04.

2. This approval permits 67 dwelling units.

3. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the

provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka, 441-5662, tcajka@ci.lincoln.ne.us

DATE: May 12, 2004

APPLICANT: Madonna Rehabilitation Hospital
5401 South St.
Lincoln, NE 68506
(402) 489-7102

OWNER: Aspen
4750 Normal Blvd. Suite 3
Lincoln, NE 68506
(402) 323-8200

CONTACT: Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512
(402) 434-2424

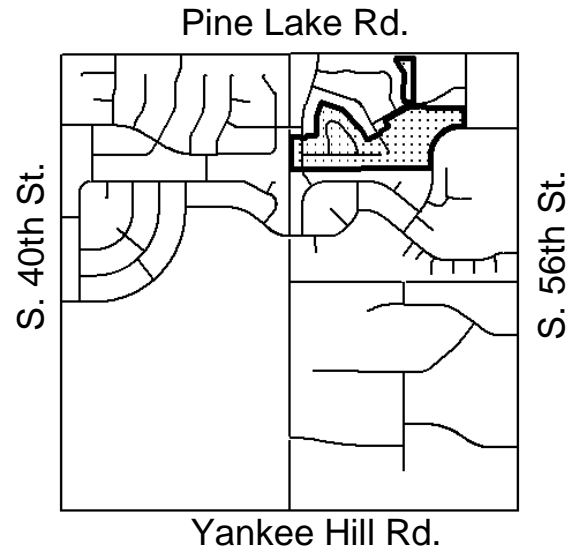
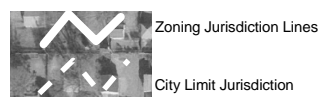


2002 aerial

Special Permit #1713C Stephanie Ln & Pine Lake Rd.

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

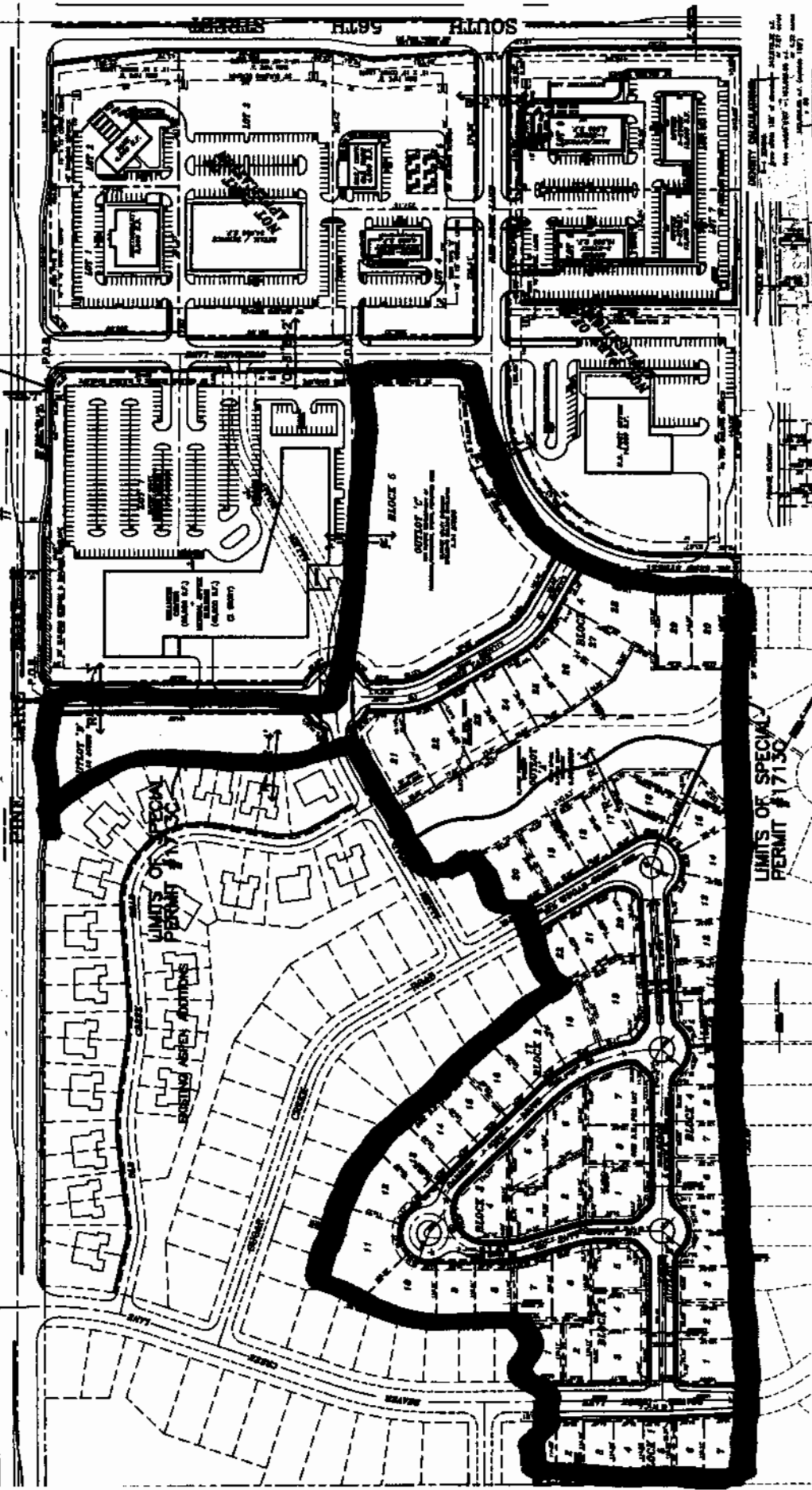
One Square Mile
 Sec. 20 T9N R7E





ASPEN 3RD ADDITION
COMMUNITY UNIT PLAN/ SPECIAL PERMIT #1713C

LIMITS OF USE PERMIT #
& SPECIAL PERMIT #



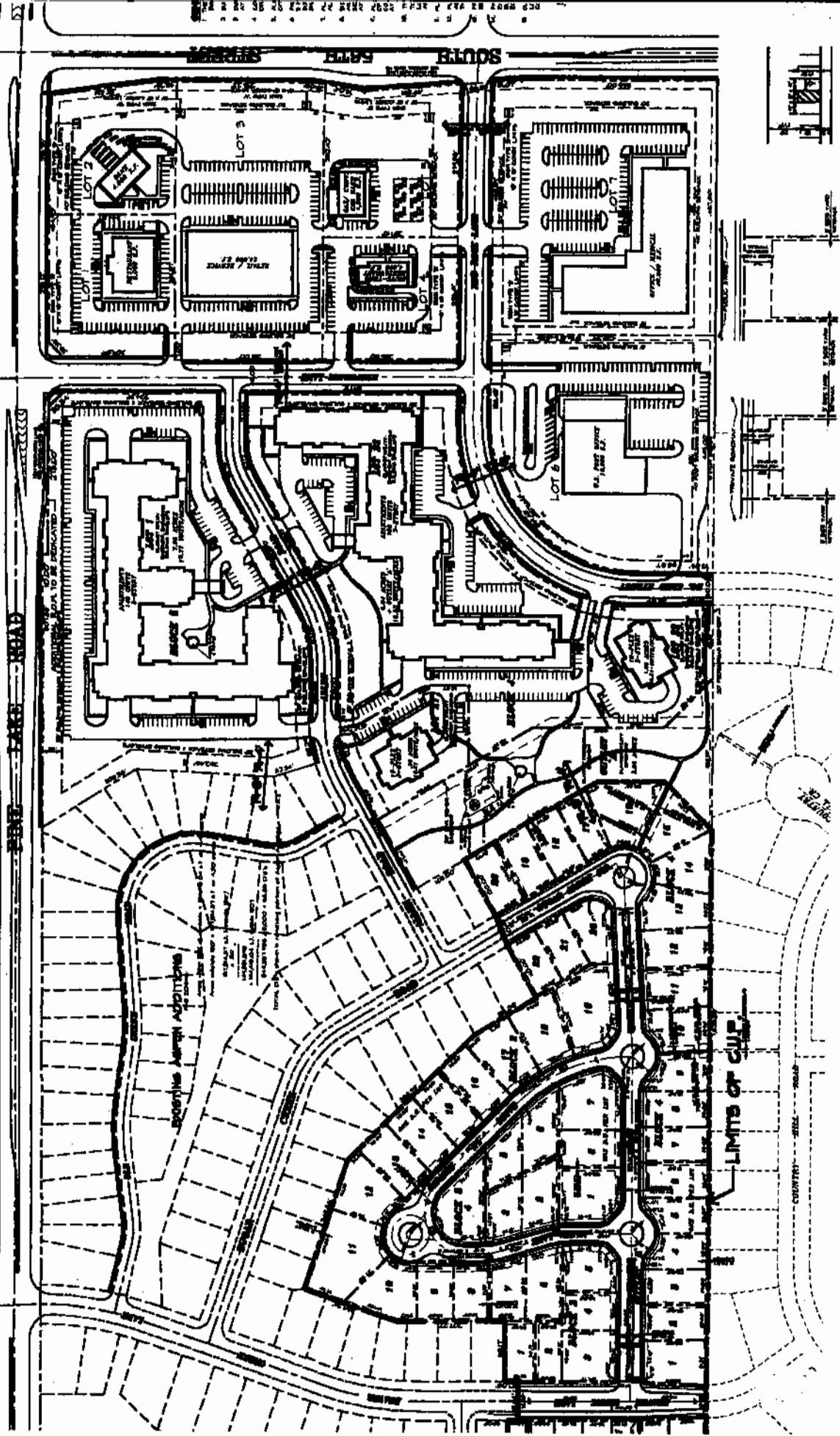
APR 29 2004

RECEIVED

EXISTING APPROVED PLAN

SPECIAL PERMIT #1713A
ASPEN 3RD ADDITION
COMMUNITY UNIT PLAN / PRELIMINARY PLAT

↑ NORTH

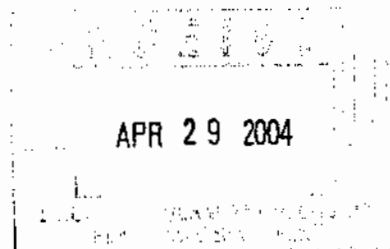


ASPEN 3RD ADDITION

SPECIAL PERMIT #1713C

WAIVERS:

1. THE PRELIMINARY PLAT PROCEDURE.
2. TANGENT LENGTH AT THE INTERSECTION OF NORRIS LANE AND ALLEN ROAD.



ASPEN 3RD ADDITION

SPECIAL PERMIT #1713C

C.U.P./ SPECIAL PERMIT LEGAL DESCRIPTION:

Lots 2-6, Block 1, Lots 1-19, Block 2, Lots 1-12 and a portion of Outlot 'E', Block 4 all in Aspen 5th Addition; Lots 1, 2, 4, 6, 7, 8, Block 1, Lots 1-3, Block 2, Lots 2-4, 8 & 9, Block 3 all in Aspen 6th Addition; Lots 1-3, Aspen 7th Addition; Lots 2 & 3, Aspen 9th Addition; Lots 1 & 2, Aspen 12th Addition and a portion of the future vacated right-of-way of Allen Road all located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 631.50 feet;

Thence S. 00°16'11" E. a distance of 628.18 feet to the Point of Beginning;

Thence continuing S. 00°16'11" E., for a distance of 206.13 feet along the west line of Stephanie Lane;

Thence S. 89°53'36" W., a distance of 45.86 feet;

Thence on a curve to the left having a radius of 348.00 feet and an arc length of 547.76 feet, being subtended by a chord of S. 44°47'28" W., for a distance of 492.94 feet to the point of tangency of said curve;

Thence S. 00°18'04" E., a distance of 63.87 feet;

Thence S. 02°35'31" E., a distance of 75.05 feet to the south line of the N 1/2 of said NE 1/4;

Thence S. 89°42'18" W., on said line, a distance of 1623.32 feet;

Thence N. 00°04'25" E., a distance of 377.84 feet;

Thence N. 89°43'49" E., a distance of 113.87 feet;

Thence S. 00°16'18" E., a distance of 19.81 feet;

Thence N. 89°53'06" E., a distance of 72.00 feet;

Thence N. 00°16'11" W., a distance of 27.00 feet;

Thence N. 89°43'49" E., a distance of 110.17 feet;

Thence N. 00°16'11" W., a distance of 207.22 feet;

Thence N. 18°39'17" E., a distance of 188.26 feet;

Thence S. 71°19'56" E., a distance of 249.84 feet;

Thence S. 43°40'07" E., a distance of 335.94 feet;

Thence S. 30°16'11" E., a distance of 135.00 feet;

Thence N. 59°43'49" E., a distance of 110.00 feet;

Thence N. 66°47'56" E., a distance of 60.48 feet;

Thence N. 30°16'11" W., a distance of 20.00 feet;

Thence N. 59°43'49" E., a distance of 120.00 feet;

Thence N. 30°16'11" W., a distance of 85.00 feet;

Thence N. 59°43'49" E., a distance of 240.44 feet;

To the point of curvature of a circular curve to the right having a radius of 212.58 feet and an arc length of 111.31 feet, being subtended by a chord of N. 74°43'49" E., for a distance of 110.04 feet to the point of tangency of said curve;

Thence N. 89°43'49" E., a distance of 75.38 feet;

To a point of curvature of a circular curve to the left having a radius of 66.00 feet and an arc length of 15.93 feet, being subtended by a chord of N. 19°40'05" E., for a distance of 15.89 feet;

To a point of curvature of a circular curve to the right having a radius of 30.00 feet and an arc length of 29.32 feet, being subtended by a chord of N. 87°52'39" E., for a distance of 2.00 feet;

To a point of curvature of a circular curve to the right having a radius of 285.00 feet and an arc length of 88.05 feet, being subtended by a chord of S. 81°21'27" E., for a distance of 87.70 feet;

Thence on a curve to the left having a radius of 315.00 feet and an arc length of 97.66 feet, subtended by a chord of S. 81°23'17" E., for a distance of 87.27 feet;

Thence N. 89°43'49" E., a distance of 338.75 feet;

To a point of curvature curve to the left having a radius of 20.00 feet and an arc length of 0.50 feet, being subtended by a chord of S. 89°33'12" E., for a distance of 0.50 feet to the Point of Beginning and containing a calculated area of 23.41 acres more or less.

AND

A portion of Outlot 'A', Aspen 10th Addition located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E., of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 1219.80 feet;

Thence S. 00°16'11" E. a distance of 50.00 feet to the Point of Beginning;

Thence continuing S. 00°16'11" E., for a distance of 502.60 feet;

Thence S. 89°43'49" W., a distance of 16.55 feet;

To the point of curvature of a circular curve to the left having a radius of 272.58 feet and an arc length of 83.57 feet, being subtended by a chord of S. 80°56'52" W., for a distance of 83.24 feet to the point of tangency of said curve;

Thence N. 17°50'04" E., a distance of 82.72 feet;

Thence N. 03°10'01" E., a distance of 262.48 feet;

Thence N. 32°07'44" W., a distance of 205.37 feet;

Thence N. 89°43'49" E., a distance of 216.44 feet to the Point of Beginning and containing a calculated area of 1.53 acres more or less.

Memorandum

To:	Tom Cajka, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Aspen 3rd Addition Special Permit #04026 Use Permit #04001 CUP #1713C
Date:	5/13/04
cc:	Randy Hoskins

Engineering Services has reviewed the Aspen 3rd Addition Special Permit, located on the south west corner of 56th and Pine Lake Road, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) There is existing sanitary sewer in the portion of Allen Road that is will need to be abandoned. This sewer needs to be shown on the utility plan. The sewer removal will need to be approved through the Executive Order process.

(1.2) Lots 26-29 Block 4 do not have adjacent sanitary sewer. If these are intended to be served by the sanitary line in Outlot A information needs to be provided showing permission to construct the services across the private property.

Water Mains - The following comments need to be addressed.

(2.1) The removal of the existing water main in the portion of Allen Road that is proposed to be vacated will need to be approved through the Executive Order process.

(2.2) A 6" water main connection to the 24" water main in Pine Lake Road needs to be shown in Norris Road north of the proposed roundabout.

Grading/Drainage - The following comments need to be addressed.

(3.1) The drainage plan showed storm sewer calculations using residential land use assumptions. The calculations need to be revised to show the use of the appropriate commercial assumptions. Addition revisions may be required to the existing storm sewer as a result of these changes.

Streets - The following comments need to be addressed.

(4.1) Information is required confirming that adequate site distance is provided for the left in no left out intersection of Norris Lane and Pine Lake road. Also, this developer is responsible for the cost of the additional design and construction costs associated with the right turn lane and left turn lane in Pine Lake Road at this intersection.

(4.2) Information needs to be provided showing that the geometry for the proposed turnaround meets the requirements for all turning movements using the standard ASSHTO Bus design vehicle as per design standards.

May 13, 2004

(4.3) The proposed grades show the need for a waiver of design standards for approach platform for the proposed roundabout. This waiver must be requested with justification to the satisfaction of Public Works or the street grades need to be revised to show the standards 3% platform grade. Public Works feels that this issue should be resolved prior to Planning Commission as significant changes to the site plan may be necessary to accommodate design standards.

(4.4) The justification provided for the requested waiver for tangent length on the approach to the roundabout are not satisfactory. The tangent requirement is necessary to provide adequate site distance for reaction time as drivers approach street intersections.

General - The comments listed above represent a preliminary review of this submittal. Additional comments may be required for subsequent submittals based on information requested in this report.

The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: May 11, 2004

Re: Aspen 3rd Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. All outlot areas to be maintained by the developer and/or future homeowners association.
2. Please provide a copy of the landscape plan for the roundabout.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

INTER-DEPARTMENT COMMUNICATION



DATE: May 7, 2004
TO: Tom Cajka, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 72S-52E

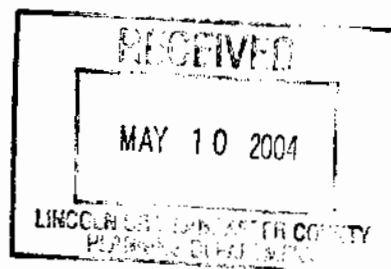
Attached is the CUP/Special Permit for Aspen 3rd Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement, excluding building envelopes over Lot 1, as already noted on the plans.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

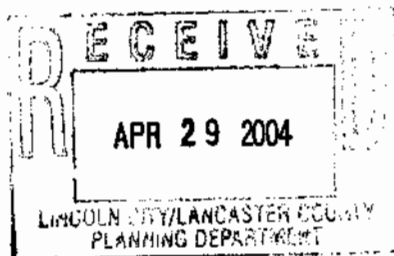




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 29, 2004

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: ASPEN 3RD ADDITION- COMMUNITY UNIT PLAN/ SPECIAL PERMIT
CHANGE OF ZONE FROM 'R-4' TO 'O-3'
USE PERMIT/ SPECIAL PERMIT - MADONNA

Dear Marvin,

On behalf of Madonna Rehabilitation Hospital and William G. Krein and Aspen, we submit the following applications for your review.

As you are aware, Madonna has been looking for a site for a proposed 'wellness center' and associated medical office space for quite some time. This site at Stephanie Lane and Pine Lake Road has been selected.

We are proposing a 65,000 square foot 'wellness center' and 45,000 square feet of medical office space to be located in one- two story building. We are proposing 300 on site parking stalls. The Special Permit for a recreational facility will cover the 'wellness center' and the Use Permit will cover the medical office space.

We will be vacating the existing Allen Road right of way, from the West line of Stephanie Lane to east line of the proposed Norris Lane. The proposed Norris Lane will provide vehicular access from Pine Lake Road to the new round-a-bout at Allen Road then continues south to South 52nd Street/ Red Rock Lane.

We are proposing 10 single family lots on the west side of Norris Lane that back up to the existing commons area. The remaining portion of the site, Outlot C, Block 5 will remain 'R-4' for future residential/ residential special permitted uses by Madonna.

We are requesting a waiver to the Preliminary Plat procedures, as this is a C.U.P., Use Permit, and Special Permit that show the same level of detail. We are also requesting a waiver to the tangent length in Allen Road and Norris Lane as they approach the proposed round-a-bout.

Page 2

We feel this waiver is justified, as vehicles need to slow down to maneuver around the round-a-bout. This will aid to slow down vehicles traveling through this area.

We have been working with the Public Works Department and HWS to work out details for the Norris Lane/ Pine Lake Road intersection. We feel we have come to an agreement for the geometrics.

Outlot D will be an open space/ buffer from the existing townhomes to the west. Madonna has been looking at the possibility of deeding this outlot to the adjacent townhomes for their use.

We are anxious to move this project forward as soon as possible. Please feel free to contact me if you have any further questions or comments.

Sincerely,



Brian D. Carstens

cc: Dan Steinbach- Madonna
Bill Krein
Scott Sullivan

Enclosures: 24 copies of sheet 1 of 5
8 copies of sheets 2 thru 5 of 5
Applications for Change of Zone, Use Permit, Special Permit (2)
Application Fees
Petitions to vacate public right of way
Certificate of Ownership
8-1/2" x 11" reductions of the plans

